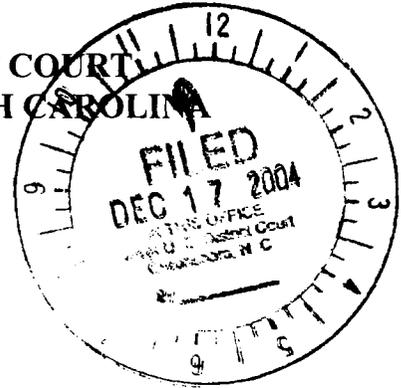


D/klm

17, DEC 17 2004

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BY: *Blm*



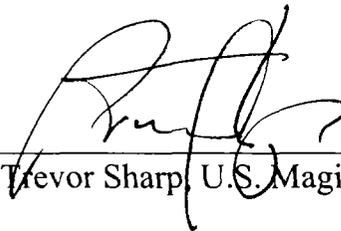
EMBREX, INC.,)
)
Plaintiff,)
)
v.)
)
AVITECH, LLC,)
)
Defendant.)

1:04CV00693

O-R-D-E-R

On review of the file, **IT IS ORDERED** that Embrex's motion for jurisdictional discovery (Pleading No. 11) is **GRANTED**. Embrex shall be given an opportunity to discover information which may be relevant to the existence of personal jurisdiction over the Defendant. Accordingly, Embrex shall have to and including February 28, 2005 in which to conduct the discovery described by Embrex at page 8 of its memorandum. The Court does not find that the temporal, issue, or procedural limitations on discovery proposed by Avitech in briefing are appropriate at this stage of the litigation.

By December 23, the parties shall submit a consent confidentiality order or, failing agreement, each party shall file an explanation of its objections to the order proposed by the other party.



P. Trevor Sharp, U.S. Magistrate Judge

December 17, 2004